

**EPA Region 10  
PCB Compliance Investigation Report**

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**Inspection Information**

**Facility Name:** Oil Re-Refining Company – Goshen Storage & Transfer Facility

**EPA ID Number:** Non-Notified Commercial Operator (RCRA - ORQ000024941)

**Date of Investigation:** April 9, 2010

**Inspection Type:** 6PF / NSR - US

**Inspection Team:** Bruce Long, USEPA Oregon Operations Office, Office of Compliance and Enforcement, Inspection and Enforcement Management Unit; 503-326-3686. [long.bruce@epa.gov](mailto:long.bruce@epa.gov). Dan Lobato, Hazardous Waste Inspector, Oregon Department Of Environmental Quality, Eugene, Oregon Willamette Valley Regional Office; 541686-7998, [lobato.dan@deq.state.or.us](mailto:lobato.dan@deq.state.or.us)

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**Site Contact Information**

**Contact Name/Title:** Ms. Ame LeCocq, Compliance Manager

**Owner:** Mr. Wilmer L. Briggs, President, CEO, and Owner

**Location Address:** Old Willamette Highway, Goshen, Oregon 97405

**Latitude:** 43.9970445 **Longitudes:** -123.0105597

**Mailing Address:** 4150 N. Suttle Road, Portland, Oregon 97217

**Phone Number:** 503-286-8553 Or 1-800-367-8894

**Fax Number:** 503-286-5027

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**Report Information**

**Report Start Date:** April 12, 2010

**Date Report Completed:** May 20, 2010

**Report Author Name:** Bruce Long

**Report Author Signature:** \_\_\_\_\_



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## **Facility History**

The Oregon Department of Environmental Quality (ODEQ) has inspected Oil Re-Refinery Company, Inc. (ORRCO) for the management of used oils and hazardous waste on numerous occasions. ORRCO has been found in violation of the State of Oregon's hazardous waste management rules following each inspection.<sup>1</sup> The Environmental Protection Agency has never inspected the ORRCO facility located in Goshen, Oregon.

Oil Re-Refinery Company, Inc. (ORRCO) Goshen facility operates under the RCRA identification number ORQ000024941. This ID number is assigned to another ORRCO location. The other location is 85951 Old Highway 99, Eugene, Oregon 97401 (Attachment I). ORRCO has closed that location and now operates out of the Goshen facility. ORRCO has not applied for an identification number for this new location.

### **Other media information:**

In addition to the requirements under RCRA Used Oil rules, the Goshen facility is also subject to storm-water permit conditions and requirements under the Spill Prevention Counter Measures and Controls under the Clean Water Act.

### **TSCA Section 6(e) Notification:**

ORRCO, nor its subsidiaries have notified EPA of its PCB management activities which include the transportation, storage, treatment and disposal of PCBs at its Portland and Goshen facilities. At the time of this inspection, ORRCO has accumulated more than 500 gallons of PCB contaminated and PCB oils at its facilities in Goshen, Oregon (Eugene).

### **Access:**

The Goshen facility is an unmanned operation. The driver is onsite in the morning and at the end of the day when off-loading used oil into the tank system. During the day, the facility is not locked and is accessible to anyone. From the north, take exit 188A proceed to split in ramp and exit to the right. Turn west onto Old Willamette Highway. The facility is located behind the Pacific Pride gasoline station on the north side of the road. The building is unmarked.

### **Facility Map:**

Maps and aerial photographs of the facilities in Goshen, Oregon are under the Attachment II.

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<sup>1</sup> There is an open Notice of Civil Penalty Assessment and Order involving the transport, storage and disposal of a listed hazardous waste; Case No. LQ/HW-NWR-09-036.

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**Weather:**

The weather at the time of this inspection was partly cloudy. It was not raining at the time of this inspection.



Oil Re-Refining Company (ORRCO) – PCB Investigation Status Report  
Goshen, Oregon April 9, 2010

Background:

The Environmental Protection Agency Region 10 (EPA) and the Oregon Department of Environmental Quality (ODEQ) conducted compliance inspections on March 9 and 10, 2010, at the ORRCO facility in Portland, Oregon. On or around March 10, 2010, Ms. Ame LeCocq, Compliance Manager for Oil Re-Refining Company (ORRCO), informed Mr. David Wall of the Oregon Department of Environmental Quality (ODEQ) and Mr. Bruce Long with the EPA that her company had found PCB contamination at its facility in Goshen, Oregon. Ms. LeCocq provided a written statement and supporting documents following the Portland inspection (Attachment III). The written statement submitted to the EPA has no signature nor does it identify the author.

On April 9, 2010, I presented a Notice of Inspection, Confidentiality Notice, and a Receipt for Samples and Documents when I arrived at the ORRCO Goshen facility (Attachment IV). I confirmed with Ms. Ame LeCocq when she signed the Notice of Inspection, that she had the authority to grant access to the facility to conduct the compliance inspection. She stated to me that she did have the authority to grant access to the facility. I presented my credentials at the beginning of the inspection. We arrived at the ORRCO Goshen facility at approximately 9:35 am on April 9, 2010.

Findings:

Ms. Ame LeCocq, on behalf of ORRCO, has submitted a summary of the events that she believes has led up to the used oil stored at the Goshen facility to become contaminated with PCBs (Attachment III). The written document ORRCO provided to EPA outlines the procedures it followed to identify the source of the PCB waste oils. Test results are also included.

During the compliance inspection on March 4, 2010 at the Portland facility, Ms. LeCocq provided EPA with a copy of the procedures drives must follow in order to document the used oil is in compliance with the claim that ORRCO is the first person to claiming the used oil meets RCRA on-Specification criteria. This claim also covers ORRCO's claim that there are no quantifiable levels of PCBs in the used oil. Among those in-house requirements is the collection and storage of "Retain Samples"<sup>2</sup> from each daily load before that days load is placed in a storage tank at an ORRCO facility. In addition, drivers are to conduct Clor D-Tect tests on the used oils before it is taken from the customer's facility.

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<sup>2</sup> A "Retain Sample" is a composite of the used oils collected during the day. The retain sample is stored for a minimum of 60-days and is used by ORRCO to identify the source of contamination in processed or re-refined oils. A tracking number is assigned to the sample so it can be identify to specific customer.

During today's investigation, I learned that the Eugene ORRCO driver had not collected and saved any retain samples for the past three years. In addition, the Eugene ORRCO driver had not used the Clor D-Tect test kits to test the used oils he picked up. Rather, the driver used a halogen detector ORRCO calls a "Sniffer" (Photograph P1010527).

During this investigation, Mr. Lobato and I interviewed Mr. Mike Miller. Mr. Miller is the Eugene ORRCO driver that picks up from customers in the Eugene area and is the sole operator and driver of the Goshen facility. Mr. Miller's territory covers Salem to the north and Roseburg to the south. Mr. Miller also covers Linn, Benton, and Lane County's. Mr. Miller also travels to the Coos Bay area on occasion.

In the ORRCO "Analysis Plan"<sup>3</sup> it states, "Upon arrival, the oil is inspected, sampled, and tested for acceptance criteria (a halogens test is performed using a Clor-D-Tect Test Kit, or a Hydro-Clor Test Kits) prior to it being accepted or commingled with other waste streams" (Attachment V). Mr. Miller stated to me that he does not do any analysis of the used oil before he off-loads it into the tank farm at the Goshen facility. Mr. Miller stated to me that during pickup, he uses a "sniffer" to test the oil. I asked Mr. Miller if he had documented his use of the sniffer on the customer's bill of lading or in a personal logbook. Mr. Miller stated to me that he did not document the results of his tests when he used the sniffer.

I asked Mr. Miller to show us the sniffer and to show us how he calibrates the sniffer and how he uses it in the field. Mr. Miller showed us a jar of material that looks like oil. On the label of the jar it has "Non-hazardous, Sniff Test Sample 700 – 800 ppm, Going for Recycle" (Photograph P1010528). I asked Mr. Miller and Ms. LeCocq what was in the oil and why this range in concentration. Neither Mr. Miller nor Ms. LeCocq knew what was being tested in the oil. Mr. Miller then demonstrated how he calibrates the sniffer (Photograph P1010529). As he places the wand of the sniffer over the jar, the sniffer alarm does not go off or indicate any reading (the LED lights do not flash). Mr. Miller does not record any information or verify that the battery has a full charge.

The regulations require marketers of used oil to assume that the used oil contains quantifiable levels of PCBs or test that oil to prove no quantifiable PCBs are present. According to Ms. LeCocq and Mr. Miller, the use of this sniffer is to meet the requirements that there are no quantifiable PCBs in the used oil by testing. The sniffer is also being used to quantify the used oil to show it does not contain chlorinated solvents above the RCRA criteria.<sup>4</sup> ORRCO is also having its customers sign and certify a statement that hazardous waste and PCBs are not added to the used oil. Based on this signature and certification, ORRCO is using this information to demonstrate it has "other information" to demonstrate there are no PCBs in the used oil.

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<sup>3</sup> This plan is part of the SOP document provided to ODEQ and EPA during the March 4, 2010 inspection at Fuel Processors Inc. See Attachment V.

<sup>4</sup> RCRA states, if the used oil have 1000 ppm total halogens, then it must be assumed to have been mixed with listed hazardous waste unless proven otherwise.



I asked Mr. Miller who completes the waste profile document submitted to the ORRCO headquarters. Mr. Miller stated that he completes the waste profile documents (sheets). Mr. Miller stated to me that he goes into the customer's facility and evaluates the operations and notes the process and interviews the workers to get knowledge of the customer's process. Mr. Miller specifically stated to me, that he looks to see what solvents are used at the facility and notes that information on the waste profile document.

When demonstrating ORRCO has secured other information from the used oil generator about the quantifiable levels of PCBs in the waste oils, it has the customer sign a statement on the bill of lading for the pickup of used oil as well as the waste profile. In the case of Pacific Recycling, Mr. Miller had documentation giving him the power to sign both the waste profile certification as well as the bill of lading (Attachment VI). All of these documents were created after ORRCO had knowledge of the PCB waste oil it picked up from Pacific Recycling on March 4, 2010.

In this interview, I specifically asked Mr. Miller how he knew that Pacific Recycling could have been the source of the PCBs, even though he had not tested the oil nor had he signed the certification on the waste profile or bill of lading. Mr. Miller stated to me that he had encountered a load of transformer oils at Pacific Recycling in the past. Mr. Miller stated that Rod Schultz, owner of Pacific Recycling, had asked him to take the transformer oils, but Mr. Miller stated to me that he refused to take the used oils. Mr. Miller could not recall that date this had occurred. When I pointed out what Mr. Miller was telling me and what Mr. Schultz told me was not adding up, Mr. Miller became angry and I ended the interview.

#### Sampling:

During this investigation, I collected samples from all of the tanks at the Goshen facility. There are two tanks inside the building. On the west side of the building is a 20,000-gallon tank. This tank is not marked with the words "used oil" nor is it marked with the M<sub>L</sub> Mark. The tank is painted black. Inside on the east side of the building is a green 10,000-gallon tank. Outside of the building on the north side, is a 10,000-gallon self-contained tank (Photograph P1010532). None of the doors leading into the building have a warning sign or an M<sub>L</sub> Mark identifying PCBs are being stored in the building. Outside on the west end of the building is a blue/green tank used to collect spent antifreeze (Photograph P1010530). This tank is 5,000-gallons. Further west in a neighboring yard is a truck and trailer (Photograph P1010533). There is no secondary containment for the rig. However, Mr. Miller stated to me that the truck and trailer are moved about every three weeks. The trailer is not placard or marked with the words Used Oil.

Table I summarizes the results of the PCBs found in the samples I collected from each tank at the Goshen facility on April 9, 2010. My results match the same concentration ORRCO reported to EPA on March 12, 2010 for PCBs found at the Goshen facility (Attachment IX). ORRCO has known about the PCB contaminated waste oil in the 20,000-gallon tank, but has not marked the tank with the M<sub>L</sub> Mark.

Table I – PCB Results from Storage Tanks at the Goshen Facility

EPA Sample No.	PCB Results in PPM	PCE Results in PPM*	Tank Description
10144400	ND	ND	Truck and Trailer
10144401	1.5	100	Blue/Green 5,000-gals
10144402	160	66	Black 20,000-gals
10144403	ND	38	Green 10,000-gals
10144404	ND	30	Yellow 10,000-gals

\*The source of the Perchloroethylene (aka Tetrachlorethylene) is unknown at this time.

During the interview of Mr. Mike Miller, ORRCO Eugene Driver of April 9, 2010, I stated that ODEQ and the EPA had completed an inspection at Pacific Recycling following the discovery of PCBs in the used oils coming from that facility. I asked him which tank he sampled at Pacific Recycling and a description of the volume of oil in the tank when he collected the sample. I also asked if he had picked up any used oil from Pacific Recycling after he sampled the tank on March 11, 2010. Mr. Miller and Mr. David Briggs (nephew) collected the sample from the tank at Pacific Recycling. The tank they sampled was the truck used to pickup used oils around the Pacific Recycling facility. Mr. Miller stated to me that there was about a foot or less of used oil in the tank when it was sampled. Mr. Miller also stated that he had not picked up any used oil from Pacific Recycling after March 4, 2010.

The description of the tank and volume of used oil in the tank match what I found on March 18, 2010 at Pacific Recycling. However, ORRCO is reporting the concentration of PCBs is 288 ppm and I found 5,400 ppm PCBs. Both samples report Aroclor 1260 at the PCBs in the used oil.

Follow-up:

The following information is need:

- 1 – Sample of the oil used to calibrate the sniffer.
- 2 – Need Mr. Mike Millers Daily Logs for the period February 24<sup>th</sup> to-date. Missing pickups at Pacific Recycling in March when the PCB oils were picked up.
- 3 – Get records on customers that are sold blended oil from Goshen.
- 4 – Conduct Compliance Inspection at the Klamath Falls Facility.



## PHOTO DOCUMENTATION

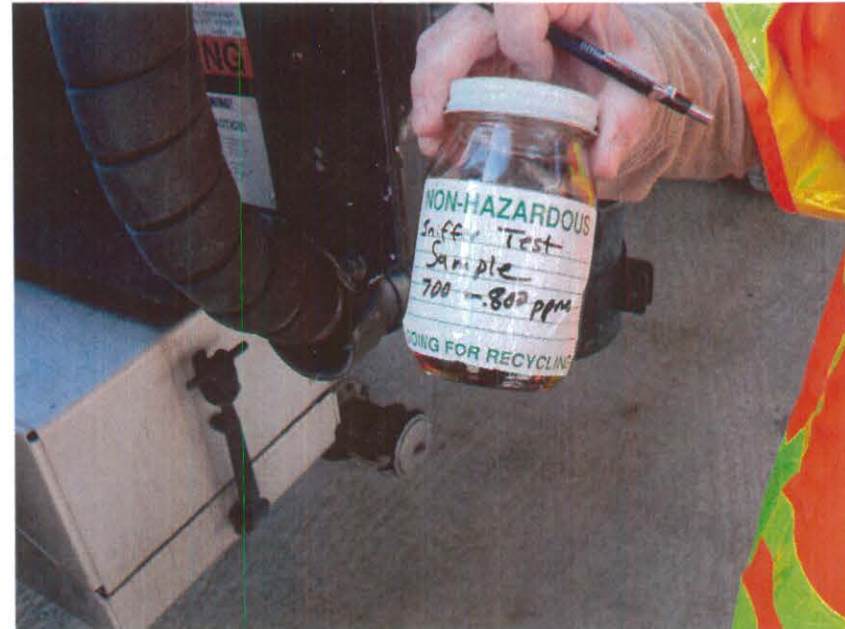
<b>Facility:</b> ORRCO – Goshen Facility	<b>Lat/Long:</b> 43.9970445/-123.0105597	<b>Inspection Date:</b> April 9, 2010
<b>Location:</b> Old Willamette Rd, Goshen, Oregon	<b>Camera:</b> Panasonic/Lumix DMC-FZ7	<b>Photographer:</b> Bruce Long



**Description:** This is a TIF 5750A refrigerant leak detector. Mr. Mike Miller stated to me that he uses this detector to measure the concentration of chlorinated solvents in used oil he picks up from customers. He uses this detector in place of using Clor D-test kits.

**Time:** 10:20 am      **Direction:** In the Cab of the ORRCO Truck.

**Photo No:** P1010527



**Description:** Mr. Mike Miller stated that he calibrates his detector using this jar of oil, which contains an unknown chemical at 700 to 800 ppm. Mr. Miller believes it is a mixture of halides in the jar.

**Time:** 10:21 am      **Direction:** In the Cab of the ORRCO Truck

**Photo No:** P1010528

## PHOTO DOCUMENTATION

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<b>Location:</b> Old Willamette Rd, Goshen, Oregon	<b>Camera:</b> Panasonic/Lumix DMC-FZ7	<b>Photographer:</b> Bruce Long



**Description:** Mr. Mike Miller is showing ODEQ and EPA inspectors how he calibrates the Halogen Gas detector. The alarm did not sound when he was testing the oil in the jar with 700 to 800 ppm of unknown halogens. The contents of the jar are not heated during the calibration.

**Time:** 10:23 am      **Direction:** Tailgate of the ORRCO Truck

**Photo No:** P1010529



**Description:** This blue-green tank is used to accumulate spent antifreeze. The concentration of PCE in the tank is 100 ppm and PCBs at 1,5 ppm. The 55-gallon containers also contain antifreeze and other liquids. According to ORRCO SPCC Plan, this is a 5,000-gallon tank.

**Time:** 10:38 am      **Direction:** West end of the ORRCO storage building

**Photo No:** P1010530



## PHOTO DOCUMENTATION

<b>Facility:</b> ORRCO – Goshen Facility	<b>Lat/Long:</b> 43.9970445/-123.0105597	<b>Inspection Date:</b> April 9, 2010
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**Description:** These are products sold by ORRCO. The manufacturer is not known.

**Time:** 10:38 am

**Direction:** West end of the ORRCO storage building

**Photo No:** P1010531



**Description:** This tank is used to accumulate used oils with a high percentage of water. The concentration of PCE in the oil and water is 30 ppm. No PCBs were found in this tank.

**Time:** 10:43 am

**Direction:** North wall of the ORRCO building

**Photo No:** P1010532



## PHOTO DOCUMENTATION

<b>Facility:</b> ORRCO – Goshen Facility	<b>Lat/Long:</b> 43.9970445/-123.0105597	<b>Inspection Date:</b> April 9, 2010
<b>Location:</b> Old Willamette Rd, Goshen, Oregon	<b>Camera:</b> Panasonic/Lumix DMC-FZ7	<b>Photographer:</b> Bruce Long



**Description:** Because the tanks at the Goshen facility are full and contain PCBs, the truck and trailer are now being used to accumulate used oils. No PCBs were detected in the EPA samples.

**Time:** 10:57 am      **Direction:** West of ORRCO Building

**Photo No:** P1010533



P1010533.JPG

10:57



P1010527.JPG

10:20



P1010528.JPG

10:21



P1010529.JPG

10:23



P1010530.JPG

10:38



P1010531.JPG

10:38



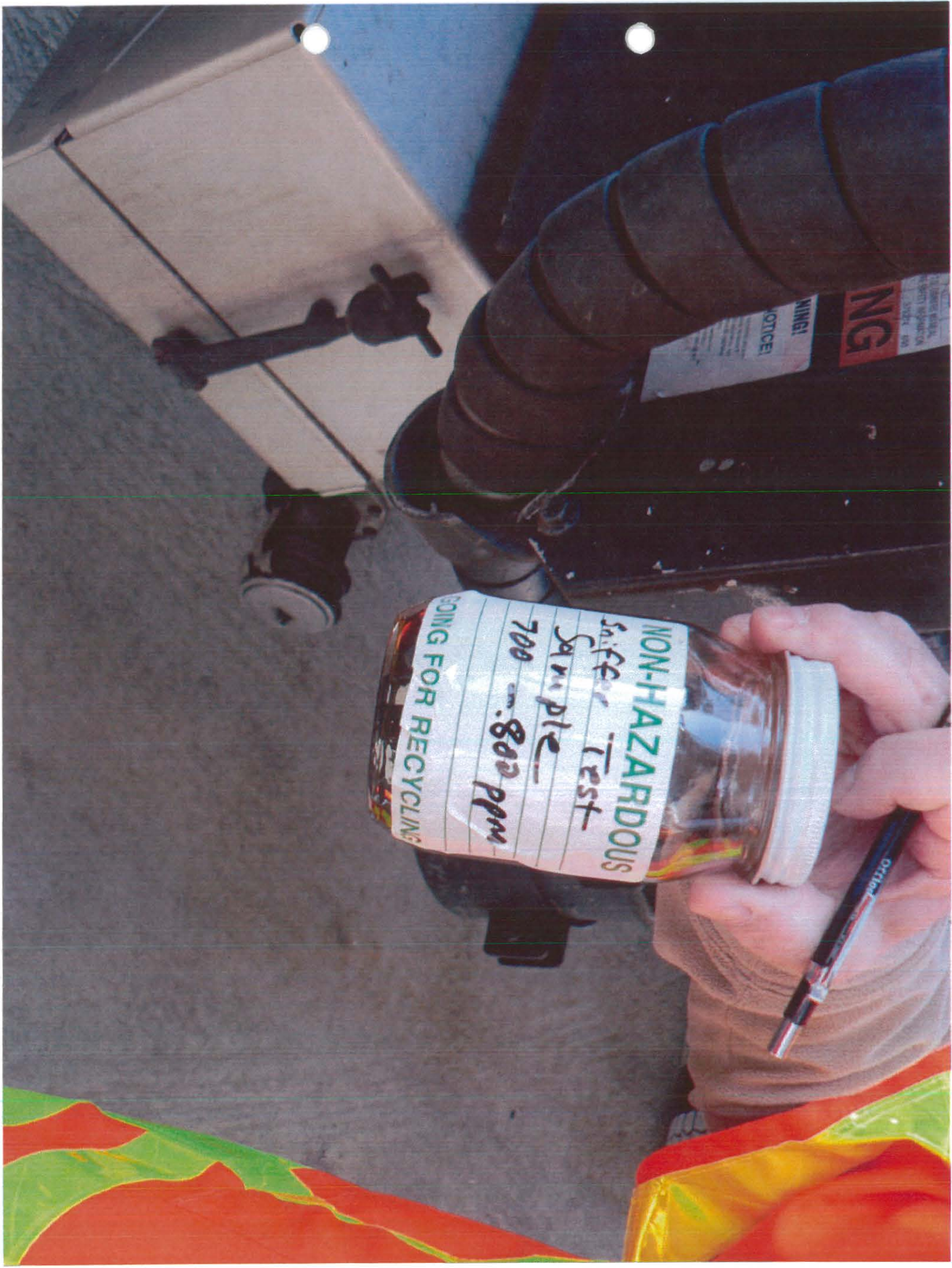
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10:43









Pinna 28









P1010530





P1010531





P1010532





P1010533